

103^D CONGRESS
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H. R. 3930

To identify illegal aliens who consume scarce health care resources in the United States and who do not pay for such care and to seek reimbursement for this care from the home government of the aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1994

Mr. HERGER introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Ways and Means, the Judiciary, and Foreign Affairs

A BILL

To identify illegal aliens who consume scarce health care resources in the United States and who do not pay for such care and to seek reimbursement for this care from the home government of the aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IDENTIFICATION OF ILLEGAL ALIENS WHO**
4 **CONSUME HEALTH RESOURCES.**

5 (a) REQUIREMENT OF DISCLOSURE.—

6 (1) IN GENERAL.—Each Federally-subsidized
7 health care provider (as defined in subsection (d)(1))
8 that provides health care services described in para-

graph (2) to an alien whom the provider knows, or has reason to believe, is not lawfully present in the United States shall report to an officer or employee of the Immigration and Naturalization Service specified by the Attorney General such information relating to the identity of the alien as the Attorney General specifies. The information shall be reported at or before the time of providing such services.

(2) HEALTH CARE SERVICES DESCRIBED.—The health care services described in this paragraph are health care items and services furnished in the United States—

(A) by a tax-exempt health care provider,

or

(B) for which payment may be made under a Federal health care program.

(3) ENFORCEMENT.—

(A) TAX-EXEMPT HEALTH CARE PROVIDERS.—If the Attorney General determines a tax-exempt health care provider has failed to report information under paragraph (1) in a timely manner, the Attorney General shall notify the Secretary of the Treasury, who shall suspend the provider's exemption from taxes

1 under section 501 of the Internal Revenue Code
2 of 1986 for a period of not less than 2 years.

3 (B) HEALTH CARE PROVIDERS RECEIVING
4 FUNDS UNDER FEDERAL HEALTH CARE PRO-
5 GRAMS.—If the Attorney General determines a
6 health care provider receiving payments under a
7 Federal health care program has failed to re-
8 port information under paragraph (1) in a
9 timely manner, the Attorney General shall no-
10 tify the Secretary of Health and Human Serv-
11 ices or other Federal official responsible for the
12 payment of funds under the program, who shall
13 (directly or through notice to the State or other
14 official making payments to the provider) dis-
15 qualify the provider from payments under the
16 program for a period of not less than 2 years.

17 (C) NOTICE AND HEARING.—The Attorney
18 General shall not make a determination under
19 this paragraph with respect to a health care
20 provider except after giving the provider notice
21 and opportunity for a hearing on the deter-
22 mination.

23 (4) PRIORITY IN DEPORTATION.—The Attorney
24 General shall give priority in enforcing deportation
25 provisions of the Immigration and Nationality Act to

1 the deportation of aliens who have been identified
2 under this subsection as being provided health care
3 services at public expense.

4 (b) ASSURING PAYMENT BY FOREIGN COUNTRIES.—

5 (1) IN GENERAL.—Each Federally-subsidized
6 health care provider that provides health care items
7 and services in the United States to an alien who—

8 (A) is not lawfully present in the United
9 States, and

10 (B) fails to provide for payment on a time-
11 ly basis for any amounts owed for such services,
12 shall provide the Secretary of Health and Human
13 Services with such information regarding the nation-
14 ality of the alien, the items and services involved,
15 and the payment amounts owing as the Secretary
16 may specify in order to carry out this subsection.

17 (2) NOTICE TO FOREIGN COUNTRY.—In the
18 case of an alien who is a national of a foreign coun-
19 try and who is identified under paragraph (1), the
20 Secretary shall provide notice to the foreign country
21 of the payment amounts owing and the withholding
22 provisions of paragraph (3).

23 (3) WITHHOLDING OF ASSISTANCE FOR
24 AMOUNTS OWED.—Of the funds made available for
25 a foreign country under part I of the Foreign Assist-

1 ance Act of 1961, an amount equivalent to 110 per-
2 cent of the total amounts identified under paragraph
3 (1) as owing under this subsection on behalf of
4 aliens who are nationals of the foreign country shall
5 be withheld from obligation for such country until
6 the Secretary certifies and reports in writing to the
7 Congress that such amounts are fully paid.

8 (c) OVERRIDE OF ALIEN SHIELD LAWS.—

9 (1) FEDERAL LAW.—No Federal law shall pre-
10 vent a Federally-subsidized health care provider
11 from disclosing to employees and officers of the Im-
12 migration and Naturalization Service the identity of
13 individuals who appear to be aliens unlawfully in the
14 United States and who receive health care services
15 from such a provider.

16 (2) STATE LAW.—As a condition for the receipt
17 of Federal funds under title XIX of the Social Secu-
18 rity Act and under the Public Health Service Act for
19 fiscal years beginning with the first fiscal year that
20 begins more than 2 years after the date of the enact-
21 ment of this Act, each State shall repeal or other-
22 wise override any State law that has the effect of
23 preventing a Federally-subsidized health care pro-
24 vider from making a disclosure described in para-
25 graph (1).

1 (d) DEFINITIONS.—Except as otherwise specifically
2 provided, in this section:

3 (1) FEDERALLY-SUBSIDIZED HEALTH CARE
4 PROVIDER.—The term “Federally-subsidized health
5 care provider” means a health care provider that—

6 (A) is a tax-exempt health care provider,

7 (B) receives payments under a Federal
8 health care program (as defined in paragraph
9 (2)).

10 (2) FEDERAL HEALTH CARE PROGRAM.—The
11 term “Federal health care program” includes—

12 (A) the medicare program under title
13 XVIII of the Social Security Act,

14 (B) the medicaid program under title XIX
15 of such Act,

16 (C) the maternal and child health program
17 under title V of such Act, and

18 (D) programs under the Public Health
19 Service Act.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Health and Human Services.

22 (4) STATE.—The term “State” has the mean-
23 ing given such term in section 101(a)(36) of the Im-
24 migration and Nationality Act.

1 (5) TAX-EXEMPT HEALTH CARE PROVIDER.—

2 The term “tax-exempt health care provider” means
3 a health care provider described in section 501(c)(3)
4 of the Internal Revenue Code of 1986.

5 (e) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Except as provided in this
7 subsection, the provisions of this Act shall take ef-
8 fect on the first day of the first month beginning
9 more than 90 days after the date of the enactment
10 of this Act.

11 (2) STATE LAWS.—In the case of a State which
12 the Secretary determines requires State legislation
13 in order to meet the condition described in sub-
14 section (c)(2), the State plan of medical assistance
15 under title XIX of the Social Security Act shall not
16 be regarded as failing to comply with such condition
17 before the first day of the first calendar quarter be-
18 ginning after the close of the first regular session of
19 the State legislature that begins after the date of the
20 enactment of this Act. For purposes of the previous
21 sentence, in the case of a State that has a 2-year
22 legislative session, each year of such session shall be
23 deemed to be a separate regular session of the State
24 legislature.

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